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*Attorneys for the United States of America*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELMER EDUARDO RODRIGUEZ,

Defendant.

Case No. 2:18-cr-279-APG-EJY

**STIPULATION TO CONTINUE  
HEARING**  
(Third Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou, Acting United States Attorney, and Melanee Smith, Assistant United States Attorney, counsel for the United States of America, and M. Kent Kozal, and Steven M. Altig, co-counsel for Defendant Elmer Eduardo Rodriguez, that the hearing currently scheduled for September 29, 2021 at 9:30 a.m., be vacated and set to a date and time convenient to this Court, but no sooner than thirty (60) days.

The Stipulation is entered into for the following reasons:

1. Parties have reached a resolution in this matter and a change-of-plea hearing has been scheduled for November 3, 2021.
2. A resolution to the case would obviate the need for a hearing.
3. The defendant is not in custody and agrees to the continuance.

1           4.       Additionally, denial of this request for a continuance could result in a  
2 miscarriage of justice.

3           This is the third stipulation to continue the hearing filed herein.

4           DATED this 28th day of September, 2021.

5                               CHRISTOPHER CHIOU  
6                               Acting United States Attorney

7                               */s/ Melanee Smith*  
8                               By \_\_\_\_\_  
9                               MELANEE SMITH  
10                              Assistant United States Attorney

11                              */s/ M. Kent Kozal and Steven M. Altig*  
12                              \_\_\_\_\_  
13                              M. KENT KOZAL and  
14                              STEVEN M. ALTIG  
15                              Counsel for Defendant Elmer Rodriguez

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 ELMER EDUARDO RODRIGUEZ,

7 Defendant.

Case No. 2:18-cr-279-APG-EJY

**ORDER**

8 Based on the Stipulation of counsel and good cause appearing,

9 IT IS THEREFORE ORDERED, that the Evidentiary Hearing currently scheduled  
10 for September 29, 2021 at the hour of 9:30 a.m., be vacated and continued to  
11 December 2, 2021, at the hour of 9:30 a.m., in Courtroom 3A.

12 DATED this 29th day of September, 2021.

13   
14 HONORABLE ELAYNA YOUCHAH  
15 UNITED STATES MAGISTRATE JUDGE  
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